

Remarks

The Examiner rejected claims 18-22 under Section 103(a) over Walt et al. in view of Wang in view of Farber. The element in independent claim 18 which is missing in Walt et al. and Wang, and the Examiner alleges is present in Farber is: “using a magnetic field to assemble the microparticles in a planar array on a designated section of a substrate wherein the spacing between particles within the array can be varied by varying the strength of the magnetic field...” However, Farber discusses a magnetic separation system that is capable of collecting magnetic particulates dispersed in a solution onto a collection surface, using fixed or rotating magnetic elements which allow the applied magnetic field to be concentrated at select locations on the collection surface. When the collector surface is contacted with a fluid containing magnetic particles (and the magnetic elements are activated), the collector surface accumulates magnetic particles in the areas of high magnetic field, where the particles are held immobilized. This system is able to control the spatial distribution of the collected particle/particle-aggregates by positioning the magnetic elements (as described in col 3, lns 59- 65). Once the magnetic elements are in place, the spatial magnetic field distribution and hence the final collection pattern of the particles (or spacing between the particles) is fixed, and cannot be changed by changing the strength of the field. Thus, the system disclosed is **not** capable of achieving: “wherein the spacing between the particles within the array can be varied by varying the strength of the magnetic field.” It can only change the spacing between the particles by varying the physical location/ spatial distribution of the magnetic elements.

Moreover, there is no evidence that the Farber magnetic collection system can “assemble the microparticles in a planar array ...” as in the claims. In fact, on exposure to a suspension of magnetic particles, such a collection device would form isolated patches/piles of the magnetic particles on the collection surface (located over the magnetic elements). Farber describes a method for optical inspection of the collected particles, but this further involves transferring the magnetic particles collected on the collection surface to an optical slide for the optical inspection (col. 9, ln 14-ln 20) via magnetic/mechanical transfer. This transfer step presumably spreads the captured cells (particles) in a thin even monolayer, as required for said optical inspection. This two step method for making optical interrogation ready monolayer of cells (particles) is entirely from what is claimed, where assembly of a “planar array” is required.

In conclusion, all rejections have been overcome, and notice of allowance is respectfully sought.